

Appl. No. 10/764,903
Amdt. dated June 23, 2005
Reply to Office Action of March 24, 2005

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed March 24, 2005. At that time claims 1-11 were pending in the application. In the Office Action, the Examiner allowed claims 6-11. Furthermore, the Examiner found claims 4 and 5 to be allowable if rewritten in independent form. However, claims 1 and 6 were rejected under 35 U.S.C. § 112, second paragraph for indefiniteness. Notably, this is inconsistent with Examiner's allowance of claims 6-11. Consequently, in preparing this Amendment, Applicant assumes that claim 6 has been rejected under § 112, and has not been allowed as indicated by the Examiner. Furthermore, claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,311,942 to Rotter et al. (hereinafter "Rotter"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rotter in view of U.S. Patent No. 4,932,090 to Johansson (hereinafter "Johansson").

By this Amendment, claims 1, 3, 5 and 6 have been amended. Claim 4 was cancelled. New claims 12-20 have been added. New claims 12-20 do not contain new matter. Support for new claims 12-17 may be found, for example, in the specification, paragraphs 59 to 65 and Figures 8 to 14. Support for new claims 18-20 may be found, for example, in the specification, paragraphs 67 to 68 and Figure 16. Support for the amendment to claim 6 may be found, for example, in the specification, paragraph 55, page 15 and Figure 16. Accordingly, claims 1-3 and 5-20 are presented for reconsideration by the Examiner.

REJECTION OF CLAIMS 1 AND 6 UNDER 35 U.S.C. § 112

Claims 1 and 6 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. See Office action, page 2. As a result of this paper, claim 1 has been amended to provide proper antecedent basis for the "outer edge" element and remove the allegedly unclear term "disposition." Furthermore, as a result of this paper, the element alleged to be indefinite in claim 6 has been deleted. Accordingly, the claims are now in compliance with the requirements of 35 U.S.C. § 112. Withdrawal of this rejection is respectfully requested.

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REJECTION OF CLAIMS 1-2 UNDER 35 U.S.C. § 102(b)

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rotter. *See* Office action, page 3. Applicant respectfully traverses this rejection.

It is well settled that a claim is anticipated under 35 U.S.C. § 102(b) only if "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As a result of this paper, claims 1-2 include the element that a C-shaped bracket *receives* an outer edge of the planar base member. Such a limitation is not taught or disclosed by Rotter and as such, Rotter does not anticipate these claims under §102(b). In the Office action, the Examiner equated the C-shaped bracket with the connector (20) of Rotter. *See* Office action, page 3. The Examiner then went on to state that the connector (20) "encompasses" an outer edge of the planar base member, since "encompass" may be defined to have as an integral part. Consequently, the claim has been amended to recite that the C-shaped bracket *receives* an outer edge of the planar base member. The connector (20) of Rotter does not receive the planar base member, but instead receives the cane shaft (30). No part of the "C-shaped" portion of the connector (20) of Rotter is configured to receive the base, but is configured to receive the cane shaft (30). Accordingly, Rotter does not teach all the claim limitations of claims 1-2, and cannot anticipate under § 102(b). Withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIM 3 UNDER 35 U.S.C. § 103(a)

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rotter in view of Johansson. *See* Office action, page 4. Examiner also found claim 4 to be allowable if rewritten in independent form. *See* Office action, page 5. Claim 3 was amended to incorporate the limitation of allowable claim 4, and claim 4 was cancelled. Accordingly, claim 3 should now be allowable. Withdrawal of this rejection is respectfully requested.

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CONCLUSION

Applicant respectfully asserts that claims 1-3 and 5-20 are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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Date: June 23, 2005

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